

**RULES
OF THE
TENNESSEE DEPARTMENT OF LABOR
DIVISION OF WORKERS' COMPENSATION**

**CHAPTER 0800-2-3
GENERAL RULES OF THE WORKERS' COMPENSATION PROGRAM
SAFETY COMMITTEES**

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0800-2-3-.01 DEFINITIONS - GENERAL. The following definitions are for the purposes of this chapter only:

- (1) “Commissioner” - Shall mean the Commissioner of the Tennessee Department of Labor.
- (2) “Department” - As used herein, means the Department of Labor. For the purposes of these rules, the terms Department of Labor and Department shall be considered as synonymous.
- (3) “Employee” and “Worker” - For the purposes of these rules, these terms are used interchangeably and shall be considered as synonymous.
- (4) “Employee Representative” - A non-managerial employee selected from employees who serves as their spokesperson.
- (5) “Safety Committee” - A group of people which includes employer and employee representatives, officially delegated to actively participate in accident prevention by identifying risks of injury or health within the work environment and recommending measures to remove such risks.

Authority: TCA §§50-6-101, 50-6-102, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202. *Administrative History:* Original rule filed January 28, 1993; effective March 14, 1993

0800-2-3-.02 SAFETY COMMITTEES - PURPOSE.

The purpose of the safety committees is to promote health and safety in places of employment in this state.

Authority: TCA §§50-6-101, 50-6-233, 50-6-501, 50-6-302, 50-6-503, 50-6-504, 50-6-505 and 4-5-202. *Administrative History:* Original rule filed January 28, 1993; effective March 14, 1993

0800-2-3-.03 SAFETY COMMITTEES - GENERAL.

- (1) Every public or private employer which is subject to the Workers' Compensation Law shall establish and administer a safety committee if the Commissioner of Labor finds that the employer has an experience modification factor (or rate) applied to the premium greater than or equal to one and twenty hundredths (1.20). The Commissioner shall provide notice to affected employers not less than 30 days before the implementation of such committees.
- (2) Every self-insured employer and insurance company authorized to write workers' compensation insurance shall submit its modification factors (or rates) for each of its workers' compensation insureds to the Commissioner of Commerce and Insurance, when requested by the Commissioner. On request

(Rule 0800-2-3-.03, continued)

from the Commissioner of Labor, the Commissioner of Commerce and Insurance shall provide the Department of Labor with such information.

- (3) Any employer disputing the determination of the employers experience modification rates may appeal such determination to the Commissioner of Commerce and Insurance.

Authority: TCA §§50-6-101, 50-6-102, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505, and 4-5-202. **Administrative History:** Original rule filed January 28, 1993; effective March 14, 1993. Amendment filed March 20, 2007; effective July 27, 2007.

0800-2-3-.04 SAFETY COMMITTEES - LOCATIONS.

- (1) Safety committees shall be established at each of the employer's primary places of employment. For the purpose of these rules, a primary place of employment shall mean a major economic unit at a single geographic location, comprised of a building, group of buildings, and all surrounding facilities. (Examples of primary places of employment would include a pulp or lumber mill, a manufacturing plant, a hospital complex, bank, a school district, or a state agency.) As a primary place of employment the location would have both management and workers present, and shall have the ability to take action on the majority of the recommendations made by a safety committee.
- (2) An employer's auxiliary, mobile, satellite or temporary locations, such as would be found in construction operations, trucking, branch or field offices, sales operations, or highly mobile activities, may be combined at the employers discretion into a single, centralized committee upon approval by the Commissioner. This centralized committee shall represent the safety and health concerns of all the locations.

Authority: TCA §§50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202. **Administrative History:** Original rule filed January 28, 1993; effective March 14, 1993.

0800-2-3-.05 SAFETY COMMITTEES - INNOVATION.

Upon application by the employer, the Commissioner may approve safety committees which are innovative or differ in form or function, when such committees meet the intent of these rules.

Authority: TCA §§50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202. **Administrative History:** Original rule filed January 28, 1993; effective March 14, 1993

0800-2-3-.06 SAFETY COMMITTEE FORMATION AND MEMBERSHIP.

- (1) The safety committees required by Rule 0800-2-3-.03 shall:
 - (a) Be composed of an equal number of employer and non-managerial employee representatives. In situations where a collective bargaining relationship or a memorandum of understanding covering public employees exists, employee representatives may be selected by their peers. Seasonal workers shall not be counted for the purpose of determining the number of members who will serve on the committee.
 - (b) Consist of:
 1. No fewer than two members for each employer with twenty or less employees, or
 2. No fewer than four members for each employer with more than twenty employees.

(Rule 0800-2-3-.06, continued)

3. Each safety committee shall be co-chaired by a representative selected by the employer and a representative selected by the employee members of the committee.
- (2) Employee representatives attending safety committee meetings required by Rule 0800-2-3-.03 or participating in safety committee instruction or training required by Rule 0800-2-3-.14 shall be compensated at the employee's regular hourly wage.
- (3) Length of membership shall be alternated or staggered so that at least one experienced member is always serving on the committee. Membership shall be structured to insure continuity of committee functions.
- (4) Reasonable efforts shall be made to ensure that committee members are representative of the daily work activities of the employer.

Authority: TCA §§50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202.

Administrative History: Original rule filed January 28, 1993; effective March 14, 1993

0800-2-3-.07 SAFETY COMMITTEE DUTIES AND FUNCTIONS.

- (1) The committee shall develop a written agenda for conducting safety committee meetings.
- (2) The safety committee shall conduct meetings at least once every sixty (60) days except months when quarterly workplace safety inspections are made. This does not exclude other months from safety committee meetings if more frequent safety inspections are conducted.

Authority: TCA §50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202.

Administrative History: Original rule filed January 28, 1993; effective March 14, 1993.

0800-2-3-.08 WRITTEN RECORDS.

- (1) Minutes shall be made of each meeting which the employer shall review and maintain for three years for inspection by the Department. Copies of minutes may be posted or made available for all employees and shall be sent to each committee member.
- (2) A summary that accurately reflects all reports, evaluations, and recommendations of the safety committee shall be made a part of the minutes of the safety committee meeting.
- (3) A reasonable time limit not exceeding 30 days shall be established by the committee for the employer to respond in writing to all safety committee recommendations.

Authority: TCA §§50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202.

Administrative History: Original rule filed January 28, 1993; effective March 14, 1993.

0800-2-3-.09 EMPLOYEE INVOLVEMENT.

- (1) The committee shall assist in establishing a system to allow the members to obtain safety-related suggestions, reports of hazards, or other information directly from all persons involved in the operations of the workplace. The information obtained shall be reviewed at the next safety committee meeting and shall be recorded in the minutes for review and any necessary action by the employer.

Authority: TCA §50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202.

Administrative History: Original rule filed January 28, 1993; effective March 14, 1993.

0800-2-3-.10 HAZARD ASSESSMENT AND CONTROL.

- (1) The safety committee shall assist the employer in evaluating the employer's accident and illness prevention program and shall make written recommendations to improve the program where applicable. Additionally, the safety committee shall:
 - (a) Assist in establishing procedures for workplace inspections by the safety committee inspection team to locate and identify safety and health hazards;
 - (b) Conduct workplace inspections at least quarterly; and
 - (c) Recommend to the employer how to eliminate hazards and unsafe work practices in the workplace.
- (2) The inspection team shall include employer and employee representatives and shall document in writing the location and identity of the hazards and make recommendations to the employer regarding correction of the hazards.
- (3) Quarterly inspections of satellite locations shall be conducted by the committee or a representative authorized by the committee.
- (4) Work sites or locations and activities which do not lend themselves to a quarterly schedule shall be inspected by the committee or a representative authorized by the committee as often as necessary based upon changes in working conditions or operations as the committee determines is necessary.
- (5) The person designated to carry out inspection activities at the locations identified in sections (3) and (4) of this rule shall be selected by the employer and shall receive training in hazard identification in the workplace.

Authority: TCA §§50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202.
Administrative History: Original rule filed January 28, 1993; effective March 14, 1993.

0800-2-3-.11 SAFETY AND HEALTH PLANNING.

The safety committee shall assist in establishing procedures for the review of all safety and health inspection reports made by the committee. Based on the results of the review, the committee shall make recommendations for improvement of the employer's accident and illness prevention program.

Authority: TCA §§50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202.
Administrative History: Original rule filed January 28, 1993; effective March 14, 1993.

0800-2-3-.12 ACCOUNTABILITY.

The safety committee shall assist in evaluating the employer's accountability system and make recommendations to implement supervisor and employee accountability for safety and health.

Authority: TCA §§50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202.
Administrative History: Original rule filed January 28, 1993; effective March 14, 1993.

0800-2-3-.13 ACCIDENT INVESTIGATION.

The safety committee shall assist in establishing procedures for investigating all Tennessee Occupational Safety and Health incidents including injury accidents, illnesses and deaths. This rule shall not be construed to require the committee to conduct the investigations.

Authority: TCA §§50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202.
Administrative History: Original rule filed January 28, 1993; effective March 14, 1993.

0800-2-3-.14 SAFETY AND HEALTH TRAINING AND INSTRUCTION.

- (1) The following items shall be discussed with all safety committee members:
 - (a) Safety committee purpose and operation;
 - (b) Rule 0800-2-3-.02 through Rule 0800-2-3-.14 and their application; and
 - (c) Methods of conducting safety committee meetings.
- (2) Committee members shall have ready access to applicable Tennessee Occupational Safety and Health Act and Standards and verbal instructions regarding their use.
- (3) All safety committee members shall receive training based upon the type of business activity. At a minimum, members shall receive training regarding:
 - (a) Hazard identification in the workplace; and
 - (b) Principles regarding effective accident and incident investigations.

Authority: TCA §§50-6-101, 50-6-103, 50-6-233, 50-6-501, 50-6-502, 50-6-503, 50-6-504, 50-6-505 and 4-5-202.

Administrative History: Original rule filed January 28, 1993; effective March 14, 1993.